

Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate
Washington, D. C.

Dear Senator:

This is in response to your request for the views of the Department of Justice on the bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934, as amended, to permit the Federal Communications Commission to authorize the operation of amateur radio stations in the United States by certain aliens.

The title of the bill indicates that it would amend sections 303 and 310 of the Communications Act of 1934, as amended, (47 U.S.C. 303, 310) to provide that the Federal Communications Commission may, if it finds the public interest, convenience, or necessity may be served, issue authorizations for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico on a basis of reciprocity with foreign governments. It is noted, however, that the first suggested amendment following the enacting clause does not contain a specific requirement concerning "the public interest, convenience, or necessity" but provides for the issuance of authorizations by the Commission "under such conditions and terms as it may prescribe". In connection with the foregoing, the opening sentence of section 303 provides "Except as otherwise provided in this chapter, the Commission from time to time, as public convenience, interest, or necessity requires, shall- * * *". In view of the foregoing it is suggested that some clarification of the language of the bill is necessary in order to avoid any question as to the findings required to be made by the Commission.

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The objective of the bill appears to be the same as that of S. 2361, 87th Congress, on which this Department submitted a report to your Committee on May 17, 1962, pointing out security factors which are inherent in the field of communications. A copy of that report is attached for your convenience.

The bill differs from S. 2361 in that it would provide for the issuance of "authorizations" for unspecified periods of time, whereas S. 2361 provided for the issuance of "licenses" for any temporary period not in excess of three years. Also, while S. 2361 provided for the issuance of such licenses by the Commission "if it finds that the national security would not be endangered," no such provision is included in the bill.

In the light of the security considerations set forth in our report on S. 2361, it would seem that no authorization should be granted unless it is determined that the national security would not be endangered thereby.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

Nicholas deB. Katzenbach
Deputy Attorney General